**HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**
**Criminal Miscellaneous Application No. 160 of 2005 (S/S)**

1. Dan Singh Adhikari S/o Sri Bachhi Singh
2. Manoj S/o Dan Singh Adhikari
3. Smt. Tulsi W/o Dan Singh Adhikari
   All R/o Rajkiya Rakshalaya Sansthan
   Patwadangar
   Nainital .... Applicants

Versus

1. State of Uttaranchal
2. Station Officer Tallital
   Nainital ... Opposite Parties

Sri M.S. Pal, learned counsel for the applicant,
Sri A. Rab, learned Addl. Government Advocate for the State

**Hon'ble B.C. Kandpal, J**

This petition under Section 482 Cr.P.C. filed by the petitioners for quashing the chargesheet No. 2 of 2004 of Case Crime No. 913 of 2004 under Section 498-A, 304-B I.P.C. and 3/4 Dowry Prohibition Act at Police Station Tallital, District Nainital.

Heard Sri M.S. Pal learned counsel for the petitioners, Sri A. Rab learned Additional Government Advocate for the State and perused the record.

Learned counsel for the petitioners has argued that there is no evidence available against the petitioners and there is every possibility of this aspect that the petitioners on the basis of the strength of the evidence available on the record cannot be convicted in any manner.

Considering the arguments of the learned counsel for the petitioners, I am of the view that all the arguments raised by him are related to the question of facts, which can only be accessed and examined by the trial court.

The proceedings of the trial, to my mind cannot be disturbed on the aforesaid count only.

I do not find serious miscarriage of justice and any abuse of the process of court. I also do not find any ground for invoking the inherent jurisdiction by way of this petition under Section 482 Cr.P.C.

The petition is accordingly dismissed.

However, I direct that in case, if the petitioners appear before the court below in order to apply the bail, their bail application shall be disposed of by the court below expeditiously.

23.03.2005 **(B.C. Kandpal, J.)**
ASWAL